IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 7523 OF 2005

Savitribai Phule Shikshan
Prasarak Mandal. .. Petitioner.

vs.

The State of Maharashtra
and Ors. .. Respondents.

Mr. Harshad Bhadbhade for petitioner.
Mr. N.M. Ganguli for respondent no.4.

CORAM : S.U. KAMDAR, J.
DATE : 20th December, 2005.

P.C.:

. The present petition challenges the order passed by the Divisional Social Welfare Officer, Mumbai Division dated 19.9.2005 in Appeal No. 5 of 2005. By the said order the respondent no. 2 has revoked the suspension of the Asstt. Teacher Smt. Chandrakala Shankar Mane. The only ground given by the Officer is that the charge levelled against the delinquent of living in illicit relationship with the Principal is not valid because she has already got married to the Principal. In my opinion at the stage of suspension the authority was not required to go into the merits of the charge when an enquiry in accordance with law is commenced and pending.

The authorities were only required to consider whether charges are serious enough to effect suspension of the employee or not. The findings of the authority if accepted would make the pending enquiry irrelevant. concluded. In my opinion thus the impugned order is required to be interfered with in exercise of writ jurisdiction under Article 227 of the Constitution of India. The impugned order dated 19.9.2005 is accordingly quashed and set aside. However, in the interest of justice I direct the authorities to complete the enquiry and pass necessary orders within a period of four weeks from today. It is made clear that no extension will be granted. Petition disposed of accordingly. No order as to costs.